

Appl. No. 10/790,720  
Amendment dated: January 27, 2006  
Reply to OA of: November 7, 2005

### **REMARKS**

Applicants acknowledge with appreciation the courtesy of the interview extended to Applicants' representative by Examiner Chen, the Examiner in charge of this application. At the interview, the present application, outstanding Official Action and proposed amendments to overcome the 35 U.S.C. §112 rejections were discussed. The Examiner indicated that the proposed changes to the claims would likely overcome all of the §112 rejections currently set forth in the outstanding Official Action. The Examiner also indicated that the proposed amendments did not appear to raise any new issues and therefore would be entered if filed as an Amendment after Final Rejection.

Accordingly, Applicants submit herewith an Amendment that incorporates all of the changes proposed during the Interview. Because the amendments to the claims do not raise any new issues, Applicants respectfully request that the Examiner enter the amendments. Further, because the amendments resolve all of the §112 rejections, Applicants respectfully request that these rejections be withdrawn.

The rejection of claims 36-43 under 35 U.S.C. §112, second paragraph, has been carefully considered but is most respectfully traversed in light of the amendment to the claims and the following comments.

The Official Action urges that claim 40 is indefinite because it is unclear which mammary gland specific promoter in claim 36 is referred to in claim 40. Accordingly, claim 40 has been amended to recite "wherein each of said mammary gland specific promoter", thus making it clear that claim 40 refers to each of the mammary gland specific promoters recited in claim 36.

The Official Action urges that there is insufficient antecedent basis for the phrase "the DNA sequences" in claim 36. Accordingly, Claim 36 has been amended to recite "DNA sequences" and therefore the antecedent basis issue identified in the outstanding Official Action has been remedied.

The Official Action urges that step (b) of claim 36 is vague and indefinite because it is unclear how to transfer an expression plasmid by embryonic implantation in to a swine embryo. Accordingly, Applicants have amended claim 36 so that step (b) now

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recites "transferring said expression plasmid or transgenes into a swine embryo by gene injection". Therefore, Applicants respectfully submit that step (b) of claim 36 is no longer vague and indefinite.

In light of the above amendments to the claims, Applicants respectfully request that all §112, second paragraph rejections be withdrawn.

The rejection of claims 28-43 under 35 U.S.C. §112, 1<sup>st</sup> paragraph for failing to comply with the written description has been carefully considered but is most respectfully traversed in light of the amendments to the claims and the following comments.

The Official Action urges that the specification fails to provide sufficient description for the phrase "expression genetic insert" found in claim 28. Accordingly, claim 28 has been amended to replace the phrase "genetic insert" with the phrase "plasmid". The phrase "expression plasmid" is clearly supported throughout the specification as originally filed, and therefore, Applicants respectfully request that this rejection be withdrawn in light of the amendment.

The Official Action urges that the specification must provide sufficient description for transplanting an embryo into a synchronized recipient as recited in claim 28, but fails to do so. Accordingly, Applicants have amended claim 28 to remove the word "synchronized". As the originally filed specification clearly contains support for transplanting an embryo into a recipient, Applicants respectfully request that this rejection be withdrawn.

The Official Action urges that the phrase "transferring said expression plasmid by gene injection or embryonic implantation into a swine embryo" as recited in claim 36 is considered new matter because the specification only discloses "transferring said expression plasmid... by means of gene injection and embryonic implantation to a non-human mammal". Accordingly, Applicants have amended claim 36 such that step (b) now recites "transferring said expression plasmid or transgenes into a swine embryo by gene injection". Applicants also note that the specification clearly provides support for transferring an expression plasmid or transgene into a swine embryo by gene injection

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(see, e.g., Example 1 on page 8). Therefore, Applicants respectfully submit that no new matter is present in the present application as currently amended and request that this rejection be withdrawn.

In light of the above amendments to the claims, Applicants respectfully request that all rejections on the grounds of failing to comply with the written description be withdrawn.

The rejection of claims 28-30, 32-38 and 40-43 under 35 U.S.C. §112, first paragraph for lacking enablement has been carefully considered but is most respectfully traversed in light of the amendments to the claims and the following comments.

The Official Action urges that, while the specification only discloses a 1:1 ratio of plasmids, the claims of the present application are drawn to any ratio of plasmids. Accordingly, Applicants have amended claims 28 and 36 to incorporate the limitation of claims 31 and 39, respectively. That is to say, claims 28 and 36 now recite that the ratio of two expression transgenes is 1:1. The specification as originally filed clearly enables one of ordinary skill in the art to make and/or use the invention commensurate in scope with the amended claims (see, e.g., page 4, lines 10-13 and page 8, lines 8-13) and therefore Applicants respectfully request that this rejection be withdrawn.

In light of the above amendments to the claims, Applicants respectfully request that all rejection on the grounds of lack of enablement be withdrawn.

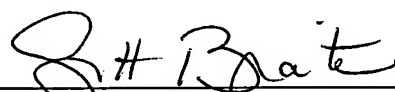
Applicants respectfully submit that all claims now pending in the present application are in full compliance with all of the requirements of 35 U.S.C. §112 and are therefore, absent any prior art rejections, in condition for immediate allowance.

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In view of the above comments and further amendments to the claims, favorable reconsideration and allowance of all of the claims now present in the application are most respectfully requested.

Respectfully submitted,

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